

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| DATE FILED: 5/30/23 |

ORIGINAL

UNITED STATES OF AMERICA

-v.-

ROILAND GOTIANGCO,

Defendant.

: CONSENT PRELIMINARY ORDER
: OF FORFEITURE/MONEY
: JUDGMENT

: 19 Cr. 558 (RMB)

:

x

WHEREAS, on or about August 1, 2019, ROILAND GOTIANGCO (the "defendant"), was charged in a three-count Indictment, 19 Cr. 558 (RMB) (the "Indictment"), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2(Count One); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A (a)(1), (b), and 2 (Count Two); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three)

WHEREAS, the Indictment included a forfeiture allegation as to Counts One and Three, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses charged in Counts One and Three of the Indictment;

WHEREAS, on or about December 22, 2019, the defendant pled guilty, pursuant to a plea agreement, to Counts One and Three of the Indictment, and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c): (i) a sum of money equal to \$1,333,040.59 in United States currency, representing proceeds traceable to the commission of the offense (the "Money Judgment"); and (ii) all right, title and interest of the defendant in 333 Valley Rd, River Edge, NJ

(the "Subject Property") as proceeds traceable to the offenses charged in Counts One and Three of the Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$1,333,040.59 in United States currency, representing any and all property, real and personal, that constitutes or is derived from proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the defendant personally obtained;

WHEREAS, the Government asserts that the Subject Property is subject to forfeiture as property constituting proceeds traceable to the offenses charged in Counts One and Three of the Indictment;

WHEREAS, the defendant has agreed to make a payment in the amount of \$125,000 in United States currency, representing the defendant's equity interest in the Subject Property, to the Government on or before April 1, 2020 (the "Payment");

WHEREAS, the Government has agreed to accept the Payment from the defendant in lieu of forfeiting the Subject Property;

WHEREAS, if the defendant fails to make the Payment on or before April 1, 2020, the Government shall seek the entry of a preliminary order of forfeiture as to the Subject Property forfeiting the defendant's interest in the Subject Property to the Government; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the remaining proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Jilan J. Kamal, of counsel, and the defendant, and his counsel, Henry Klingeman, Esq. that:

1. As a result of the offense charged in Counts One and Three of the Indictment, a money judgment in the amount of \$1,333,040.59 in United States currency (the “Money Judgment”) shall be entered against the defendant representing the amount of proceeds traceable to the offenses charged in Counts One and Three of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. The defendant agrees to pay the sum of \$125,000 in United States currency (the “Payment”) to the Government on or before April 1, 2020.

3. The Payment shall be applied towards the satisfaction of the Money Judgment.

4. The Payment shall be made by bank or certified check, made payable, in this instance the United States Marshals Service (“USMS”), and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the defendant’s name and case number.

5. In the event that the defendant fails to make the Payment, the Government shall be permitted to seek the forfeiture of the Subject Property as proceeds traceable to the offenses charged in Counts One and Three of the Indictment.

6. In the event that the defendant fails to make the Payment, the defendant shall not oppose the entry of a preliminary order of forfeiture forfeiting all of his right, title and interest in the Subject Property to the Government.

7. The defendant shall not sell, transfer or encumber the Subject Property prior to payment of the Payment without written authorization from the Government.

8. The defendant shall not incur any obligations secured by the Subject Property after the date of the entry of this Consent Preliminary Order of Forfeiture/Money Judgment without prior written authorization of the Government.

9. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, ROILAND GOTIANGCO, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

10. All additional payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

11. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

12. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

13. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

14. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

15. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

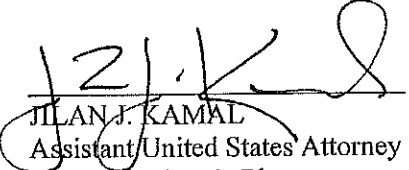
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16. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:


JILLAN J. KAMAL
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2192

12/23/2019
DATE

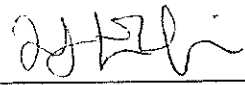
ROILAND GOTIANGCO
Defendant

By:


ROILAND GOTIANGCO

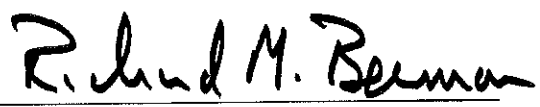
12/23/19
DATE

By:


HENRY KLINGEMAN, ESQ.
KROVATIN KLINGEMAN LLC
60 Park Place, Suite 1100
Newark, NJ 07102

12/23/19
DATE

SO ORDERED:


THE HONORABLE ~~ROBERT~~ M. BERMAN
UNITED STATES DISTRICT JUDGE

8/10/21
DATE